THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.945 of 2007

DATED: 11.01.2007

Between:

Chellu Koteswara Rao.

...Petitioner

and

The District Collector, Krishna District
at Machilipatnam and others.

...Respondents

ORDER:

The matter is coming up for admission today.

The Writ Petition is filed for a Writ of Mandamus declaring action of the respondents in proposing to acquire the petitioner's land to an extent of Ac.1-30 cents in Sy.No.58/1 of Tummalapalem village, Ibrahimpatnam Mandal, Krishna District, without conducting enquiry as mandated under Section 5(A) of the Land Acquisition Act (hereinafter in short referred to as "the Act" for the purpose of convenience) and without following due procedure laid down under the Act, as illegal, arbitrary; and consequently set aside the Notification bearing Rc.G4/2368/2006 dated 5.7.2006.

The main grievance of the petitioner is that the respondents are trying to take possession of the petitioner's land, subject

matter of the Writ Petition without following due procedure as laid down under the Act dispensing with Section 5(A) enquiry.

In the light of the facts and circumstances and also the averments made in detail in paras 2 to 6 of the affidavit filed in support of the Writ Petition, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondents to hold enquiry under Section 5(A) of the Act in accordance with law. It is needless to say that the petitioner to be given an opportunity to raise all objections and till

appropriate enquiry is conducted under Section 5(A) of the Act, *status quo* as on today to be maintained.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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(P.S.NARAYANA,J)

Dt:11.01.2007
Note:
Issue C.C by tomorrow
B/o
vv/bsb